

JUL 09 2007



Ralph E. Jocke
Patent
&
Trademark Law

FACSIMILE TRANSMISSION COVER SHEET

TRANSMITTING: 6 PAGES (INCLUDING THIS PAGE)

NAME: Art Unit 3653
Commissioner for Patents
U.S. Patent and Trademark Office

FAX NUMBER: (571) 273-8300

DATE: July 9, 2007

SENDER: Ralph E. Jocke, Esq.

FAX NUMBER: (330) 722-6446

PHONE NUMBER: (330) 721-0000

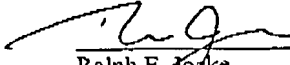
COMMENTS: Please file the attached Request for withdrawal of the premature final rejection in Application 09/086,857 (D-1093).

If you do not receive all pages, contact the sender IMMEDIATELY at the number listed below.

The information contained in this facsimile message is confidential and intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited and will be considered a tortious interference in our confidential business relationships. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address below via the U.S. Postal Service. Thank you.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(b) AND 1.6(d)**FACSIMILE TRANSMISSION**

I hereby certify that, on the date shown below, this correspondence is being transmitted by facsimile to the Patent and Trademark Office at (571) 273-8300.

Date: July 9, 2007
Ralph E. Jocke330 • 721 • 0000
MEDINA330 • 725 • 669
CLEVELAND330 • 722 • 6446
FACSIMILEroj@walkerandjocke.com
E-MAIL

231 South Broadway, Medina, Ohio U.S.A. 44256-2601

RECEIVED
CENTRAL FAX CENTER
JUL 09 2007

D-1093

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appeal No.: 2005-2434)

In re Application of: Frederick, et al.)

Application No.: 09/086,857)

Art Unit 3653

Confirmation No.: 8855)

Filed: May 29, 1998)

Patent Examiner:

Michael E. Butler

Title: System For Tracking And Dispensing
Medical Items From Environmentally
Controlled Storage Area)

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated April 9, 2007, kindly enter Appellants'

Remarks without prejudice as follows:

- 1 -